

Application No. 10/687,508
Attorney Docket No. 2002B140/2
Amendment dated July 18, 2006
Reply to Office Action of January 19, 2006
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REMARKS

Applicants are in receipt of the Examiner's Action of January 19, 2006 in which she rejected claims 1 and 4 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,747,114 to *Karandinos et al.*; rejected claims 1 and 4 as obvious in light of U.S. Patent No. 6,774,069 to *Zhou et al.* and U.S. Publication No. 20020123538 to *Zhou et al.* Applicants respectfully request reconsideration and respond as follows.

Applicants have amended claim 1 to add step (d) which recites, "amorphous polymer segments and semi-crystalline polymer segments." Support for this amendment can be found, among other places, on page 15, paragraph 53.

§ 102(e) Rejection over U.S. Patent No. 6,747,114 to Karandinos et al.

Applicants assert that the material disclosed in *Karandinos et al.* does not anticipate the instant claims for at least the reason that the material disclosed in the *Karandinos et al.* reference does not teach the amorphous and semi-crystalline segments of polymer of the instant claims, as amended. The amorphous and semi-crystalline segments are each produced by different catalyst. The *Karandinos* reference only teaches the use of a single catalyst, which cannot produce the claimed amorphous and semi-crystalline segments. Therefore *Karandinos et al.* does not anticipate the claimed material. For at least this reason, Applicants respectfully request withdrawal of this rejection and allowance of the claims.

§ 103(a) Rejections over U.S. Patent No. 6,774,069 to Zhou et al. and U.S. Publication No.

20020123538 to Zhou et al.

The Examiner has rejected claims 1 and 4 as obvious in light of U.S. Patent No. 6,774,069 to *Zhou et al.* and U.S. Publication No. 20020123538 to *Zhou et al.* (collectively, "the *Zhou* references"). Particularly, the Examiner states that "*Zhou* teaches a hot-melt adhesive

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composition comprising an atactic polypropylene and an isotactic polypropylene which is structurally substantially identical to those of the propylene polymer blends exemplified in the

instant invention." As the Examiner correctly states in the response, Zhou does teach a *blend* of atactic and isotactic polymers. In contrast, the instant invention as amended, teaches one polymer with amorphous and semi-crystalline segments, not a *blend* of polymers.

Also, the examiner has stated that, "Zhou does not expressly teach the branch index (*g'*), however, almost all propylene polymer prepared by the conventional catalyst such as Ziegler catalyst and metallocene catalyst are having a *g'* of at least of 0.98, one would have expected those propylene polymers used in the working examples (commercially provided by Sigma-Aldrich) are inherently having branch indexes of 0.98 or less."

Applicants disagree. Particularly, in the molecular weight range set forth in there is a significant difference between polypropylene having a branchiness index as recited in the claims and linear polypropylene. In order to inherently anticipate, the cited art must necessarily include the allegedly recited element. *Continental Can Co. v. Monsanto Co.*, 948 F.3d 1264, 1268 (Fed. Cir. 1991). Applicants believe that the commercially purchased Sigma-Aldrich polypropylene used in the Zhou references is Ziegler-Natta polypropylene which is necessarily linear (not branched). Nonetheless, because the polypropylene in the Zhou references does not specify its branchiness, it is not necessarily branched and therefore does not inherently include polypropylene having a *g'* as recited in the instant claims. For at least this reason, Applicants respectfully assert that the Zhou references do not anticipate any of the pending claims and request withdrawal of the rejections in light of the Zhou references.

Conclusion

Applicants believe they have now addressed all of the Examiner's outstanding issues and that the current claims are in condition for allowance. Applicants respectfully request reconsideration and allowance of the currently pending claims. If the Examiner believes that it

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would expedite prosecution of the instant application, she is invited and encouraged to telephone the undersigned attorney at her convenience.

Respectfully submitted,

18 July 06

Date _____

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